

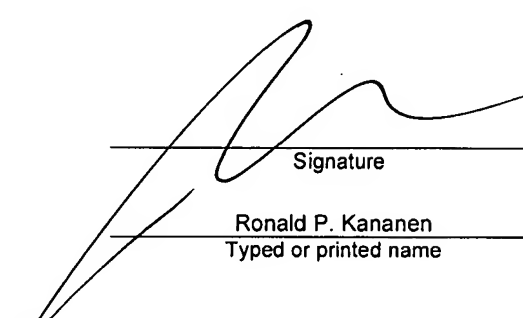


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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		SON-2906	
	Application Number	Filed	
	10/506,433-Conf. #1276	September 2, 2004	
	First Named Inventor Yuji Shishido		
	Art Unit	Examiner	
	3682	L. A. Footland	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>24,104</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p> _____ Signature Ronald P. Kananen Typed or printed name (202) 955-3750 Telephone number September 17, 2007 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			



Docket No.: SON-2906
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yuji Shishido

Application No.: 10/506,433

Confirmation No.: 1276

Filed: September 2, 2004

Art Unit: 3682

For: BEARING UNIT AND ROTARY DRIVE
USING THE SAME

Examiner: L. A. Footland

REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW OF FINAL REJECTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in full and timely response to the Final Office Action mailed on May 16, 2007. Reexamination in light of the following remarks is respectfully requested.

A *one-month* extension has been filed along with the response. Because September 16, 2007, the first extended month after the mailing date of the Office Action, falls on a Sunday, the period for response is extended to September 17, 2007, which is the next day that is neither a Saturday, Sunday nor a Federal holiday in the District of Columbia.

Petition Under 37 C.F.R. §1.144

A Petition Under 37 C.F.R. §1.144 requesting review of a restriction requirement made the Office Action of September 1, 2006 is provided along with this Amendment.

Timely review and consideration of the Petition along with the rejoinder of the allegedly distinct inventions is respectfully requested.

Rejection under 35 U.S.C. §112, second paragraph

Page 2 of the Office Action indicates that claims 23-29 are rejected under 35 U.S.C. 112, second paragraph.

This rejection is traversed at least for the following reasons.

“For claim construction purposes, the description may act as a sort of dictionary, which explains the invention and may define terms used in the claims.” *General Electric Co. v. Nintendo Co.*, 50 USPQ2d 1910, 1914 (Fed. Cir. 1999).

The following description is provided for illustrative purposes and is not intended to limit the scope of the invention.

Claims 23-29 - Claims 24-29 are dependent upon claim 23. Claim 23 is drawn to a bearing unit comprising:

a shaft;

a radial bearing for peripherally supporting the shaft;

a thrust bearing for supporting an end of the shaft in the thrusting direction thereof;

a space-forming member arranged outside the radial bearing and the thrust bearing;

a housing having the space-forming member in the inside and hermetically sealed except a shaft receiving hole through which the shaft is made to extend;

viscous fluid filled in the housing; and

a communication passage way arranged between the space-forming member and the radial bearing so as to make the end in the thrusting direction of the shaft projecting from the radial bearing and the other end of the shaft communicate with each other.

The Final Office Action refers to Figure 17 of the specification as originally filed (Final Office Action at page 2).

In response, review of the propriety of the Restriction Requirement of September 1, 2006 at least as to Figures 17, 18 and 19 is respectfully requested for the following reasons.

The Office Action contends that the term “space-forming member” is confusing (Final Office Action at page 2).

Moreover, claim 23 provides, in part, the features of *a space-forming member arranged outside the radial bearing and the thrust bearing.*

Figure 17 of the specification as originally filed is provided hereinbelow.

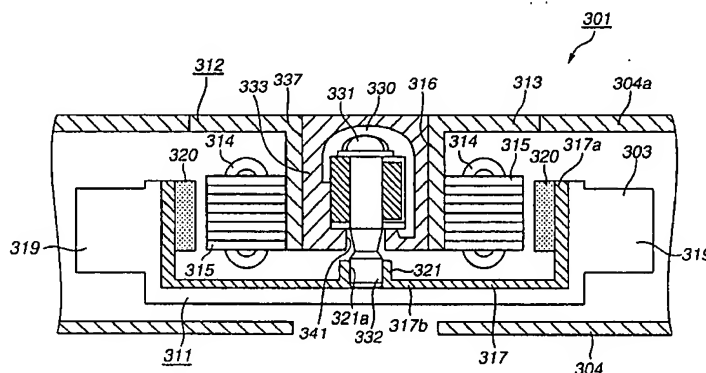


FIG.17

The specification as originally filed, in the paragraph beginning at page 49, line 8, provides that the rotor 311 that forms the motor 301 along with the stator 312 is fitted to the rotary shaft 331 that is rotatably supported by the bearing unit 330 so that it revolves with the rotary shaft 331.

The specification as originally filed, in the paragraph beginning at page 50, line 16, provides that now, the bearing unit 330 that is used in the motor 301 will be described in GREATER DETAIL below.

The specification as originally filed, in the paragraph beginning at page 50, line 18, provides that:

As shown in FIGS. 17, 18 and 19, the bearing unit 330 that rotatably supports the rotary shaft 331 of the above described motor 301 comprises a radial bearing 333 for peripherally supporting the rotary shaft 331, a space-forming member 334 formed outside the radial bearing 333, a housing 337 containing the space-forming member 334 and a communication passage way 350 formed between the space-forming member 334 and the radial bearing 333.

Thus, it is believed that the metes and bounds of a space-forming member within the claims can be readily ascertained.

The Office Action questions how can the house be “hermetically sealed” when there is a shaft receiving hole (Final Office Action at page 2).

In response, claim 23 provides, in part, the features of *a housing (337) having the space-forming member (334) in the inside and hermetically sealed except a shaft receiving hole (336a) through which the shaft (331) is made to extend*. In this regard, the specification as originally filed, in the paragraph beginning at page 59, line 9, provides that:

Meanwhile, the bearing unit 330 of this embodiment is a so-called shaft opposite ends open type bearing unit in which the opposite ends of the shaft 331, one of which is projecting from the radial bearing 333, communicate with each other by way of the communication passage way 350. Conventional shaft opposite ends open type bearing units are accompanied by the problem that lubricating oil can easily disperse when subjected to impact. However, in the bearing unit 330 of this embodiment, the housing 337 is made to be a seamless structure that is hermetically sealed except the shaft receiving through hole 336a and contains the radial bearing 333 and the space-forming member 334 in the inside so that, while the open side end of the shaft that projects from the radial bearing and the closed side end of the shaft are made to communicate with each other by way of the communication passage way 350, the bearing unit 330 is hermetically sealed and isolated from the outside except the shaft receiving hole 336a

arranged at the housing 337. Differently stated, since the communication passage way 350 is arranged in the housing that is a seamless structure and hermetically sealed against the outside, lubricating oil is prevented from dispersing if it is subjected to impact.

Thus, it is believed that the metes and bounds of hermetically sealed within the claims can be readily ascertained.

The Office Action inquires as to the location of the “communication passage way” (Office Action at page 2).

In response, the specification as originally filed, in the paragraph beginning at page 50, line 18, provides that:

As shown in FIGS. 17, 18 and 19, the bearing unit 330 that rotatably supports the rotary shaft 331 of the above described motor 301 comprises a radial bearing 333 for peripherally supporting the rotary shaft 331, a space-forming member 334 formed outside the radial bearing 333, a housing 337 containing the space-forming member 334 and a communication passage way 350 formed between the space-forming member 334 and the radial bearing 333.

Thus, it is believed that the metes and bounds of a communication passage way within the claims can be readily ascertained. Withdrawal of the rejections and allowance of the claims is respectfully requested.

Dated: September 17, 2007

Respectfully submitted,

By

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Attorney for Applicant